

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 15-03419-CV-S-BP
)
)
TIMOTHY O'LAUGHLIN,)
)
Defendant.)

ORDER

Before the Court is the Motion for Interlocutory/Partial Judgment filed by Defendant on February 26, 2021. (Doc. 109.) Defendant is currently hospitalized at the Federal Medical Center in Rochester, Minnesota, pursuant to a commitment under 18 U.S.C. § 4246 and is represented by appointed counsel.¹ This matter has been referred to the undersigned for processing and handling.

First, Defendant requests “newly assigned replaced legal representation.” However, the undersigned recently considered several similar requests by Defendant and found no deficiency in his counsel’s performance, nor any basis for substitution of counsel. (Doc. 110.) There is no reason to reconsider this decision at present. Thus, the request for newly assigned replaced legal representation will be denied.

Defendant also moves for dismissal of the civil commitment and compensation “as a matter of default on all of the pleadings due to the neglect and/or failure to respond to civil action litigation.” (Doc. 109 at 2.) However, Defendant is represented by an attorney, and the Court “is not required ‘to entertain pro se motions filed by a represented party.’” *United States v. Tollefson*, 853 F.3d 481, 485 (8th Cir. 2017) (citing *Abdullah v. United States*, 240 F.3d 683, 686 (8th Cir.

¹ David R. Mercer, First Assistant Public Defender

2001)). Also, as Defendant was advised previously, the absence of a response by the Government to his baseless motions does not entitle him to relief by default. (Doc. 110.) Defendant's commitment was affirmed on appeal by the Eighth Circuit Court of Appeals as factually supported, *United States v. O'Laughlin*, 695 F. App'x 172 (8th Cir. 2017), and subsequent annual reports concerning his mental condition have strongly recommended he remain committed. And lastly, in any event, there are no other matters pending before the Court at this time.

Based on the foregoing, the relief requested in the *pro se* Motion is **DENIED** without prejudice. The Clerk's Office is directed to send a copy of this Order to Defendant via regular mail.

IT IS SO ORDERED.

/s/ David P. Rush
DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

DATE: March 4, 2021